

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office NOV 15 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed NOV 15 2004

The applicant **The Ken Gary Family Trust**, dated **October 30, 1996** hereby makes application for permission to change the **Point of Diversion, Manner of Use and Place of Use** for a portion of water heretofore appropriated under **Permit 31727, Certificate 9318**

1. The source of water is **an underground source in Nye County, Nv.**
2. The amount of water to be changed **0.128 CFS., not to exceed 20 AFA.**
3. The water to be used for **Commercial and Domestic**
4. The water heretofore permitted for **Irrigation and Domestic**
5. The water is to be diverted at the following point **within the SE. ¼ SW ¼ of Section 2, T.17S., R.49E., M.D.M., or at a point from which the S. ¼ corner of said section 2 bears S. 34°31'16"E., a distance of 614 feet**
6. The existing permitted point of diversion is located within **the SE. ¼ SW. ¼ of Section 9, T.16S., R.49E., M.D.M., or at a point from which the S. ¼ corner of said section 9 bears S. 10°02'24"E., a distance of 1010.8 feet**
7. Proposed place of use **25.26 acres within the SE. ¼ SW. ¼ of Section 2, T.17S., R.49E., M.D.M., being Parcel 1 on Nye County Parcel Map File 61689, APN. 19-391-13**
8. Existing place of use **5 acres within the SE. ¼ SW. ¼ of Section 9, T.16S., R.49E., M.D.M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **an 8 in. dia. X 200 ft. deep driven well, cased all the way with a 5 hp. submersible pump, pipe and wire**
12. Estimated cost of works **\$8000**
13. Estimated time required to construct works **2 years, presently completed, item 11**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **This water is to be used for a private boarding school with a dormitory, staff quarters, kitchen, sanitary facilities, landscaping and general boarding school purposes.**

By **Leslie Lowe (agent)**
s/**Leslie Lowe**
HCR 69, Box 400 E
Amargosa Valley, Nv, 89020

Compared sc/gkl lt/ag

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use and place of use of a portion of the waters of an underground source as heretofore granted under Permit 31727, Certificate 9318, is issued subject to the terms and conditions imposed in said Permit 31727, Certificate 9318, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

The issuance of this permit is for the net consumptive use portion only, being 14.0 acre-feet, of the 20.0 acre-feet portion of the base right. The remainder, 6.0 acre-feet, remains in the groundwater source. The issuance of this permit abrogates 20.0 acre-feet from Permit 31727, Certificate 9318.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.128 cubic feet per second, and not to exceed 14.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

September 29, 2008

Proof of completion of work shall be filed on or before:

October 29, 2008

Water must be placed to beneficial use on or before:

September 29, 2011

Proof of the application of water to beneficial use shall be filed on or before:

October 29, 2011

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 29th day of September, A.D. 2006

T. Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____